

R-3H

R-3 Historic District

Section 951. Purpose. It is the purpose of the R-3H zoning district to:

- a. provide a density transition between higher-density and lower-density zoning districts;
- b. facilitate the preservation and reuse of buildings that are contributing structures to a National Register Historic District;
- c. provide opportunities for non-residential uses that are compatible with the surrounding residential environment; and
- d. encourage investment opportunities consistent with maintaining or enhancing the character of the neighborhood.

(Ordinance 1526, March 25, 1997, Section 3.)

Section 952. Use. In this district, the land and structures may be used, and structures may be erected, altered, enlarged and maintained for the following uses only:

- a. Any use permitted in the R-2 district.
- b. Bed and Breakfast establishments.
- c. Child or Adult Day Care Center.
- d. Adult Day Care Home.
- e. Community Centers.
- f. Mixed Uses as provided in Section 609, the Mixed Use (Overlay) District, and Section 963, Mixed Use Overlay
- g. Personal Care Home for Adults (Small)
- h. Special Exception
 - (1) Office and Mixed Uses, as provided in Section 965

(Ordinance 1526, March 25, 1997, Section 3, as amended by Ordinance 1537, August 27, 1997, Section 6, Ordinance 1591, April 8, 1999, Section 3, Ordinance 1626, June 19, 2000, Section 1., and by Ordinance 1872, June 18, 2007, Section 6 and 11)

Section 953. Lot Area, Width, Yards, Coverage and Open Space. Each lot in this district shall comply with the following minimum requirements, except as otherwise provided:

- a. **Lot Area**
 - 1-family.....6,000 square feet
 - 2-family.....9,000 square feet
 - All other uses6,000 square feet

b. Lot Width

1-family dwelling	50 feet
2-family dwelling	75 feet
All other uses	50 feet

c. Front Yard Depth - New Construction. A uniform building setback helps to achieve balance and order within a neighborhood. Front yard setbacks for new construction shall be within 10 percent of the average front setback established by adjacent buildings along the street. The average shall be calculated from the front setbacks of the first two buildings along the street located on each side of the new construction.

d. Side Yard Width - New Construction.

1-family dwelling	6 feet
2-family dwelling	6 feet
Bed & Breakfast Establishment	6 feet
Offices	6 feet
All other uses	10 feet

e. Rear Yard Depth. Twenty percent of the depth of the lot measured from the front building line to the nearest point of the rear lot line, but in no case shall this be less than 15 feet.

f. Lot Coverage.

- (1) Buildings and Structures. 30 percent of a lot may be covered by buildings (includes main and accessory) and other structures.
- (2) Parking. Maximum lot coverage for driveways and surface off-street parking areas for all...
 - 1-family dwellings
 - 2-family dwellings
 - other uses

g. Open Space. A minimum of 35% of a lot shall be maintained as open space. (Ordinance 1526, March 25, 1997, Section 3, as amended by Ordinance 1536, July 21, 1997, Section 1, Ordinance 1626, June 19, 2000, Sections 2 and 3, and by Ordinance 1854, October 16, 2006, Section 3.)

Section 954. Height. Building height contributes to the overall pattern and rhythm of a streetscape. The vertical character of the streetscape is important to maintain. Accordingly, the height of new buildings or building additions along the street shall be no more or less than 30 percent of the average of the heights of adjacent buildings along the street but, in no case, shall the upper limit of the height range exceed 35 feet. The average of adjacent buildings shall be

calculated using the heights of the first two buildings along the street located on each side of the new construction. When any adjacent building exceeds 35 feet in height, 35 feet shall be used to make the average calculation rather than that building's actual height. Buildings located behind the front building facing the street are not required to be built to a height within the range but shall not be higher than the front building when measured and viewed from the street. No buildings or other structures (*except for those provided under Section 503.d.2*) shall exceed 35 feet. (Ordinance 1526, March 25, 1997, Section 3, as amended by Ordinance 1794, September 20, 2004.)

Section 955. Building Size. No single building or group of attached buildings shall be larger than 3,000 square feet in gross floor area. Basement areas shall not be included when calculating gross floor area. Exception: Buildings used exclusively as 1-family dwellings containing less than 4,000 square feet of gross floor area (excluding the basement area) at the effective date of this ordinance may be enlarged to a maximum size of 4,000 square feet, provided the existing structure is retained and that the use is not changed. (Ordinance 1526, March 25, 1997, Section 3, as amended by Ordinance 1633, August 30, 2000, Section 1.)

Section 956. Multiple Buildings Per Lot & Building Separation. A maximum of one main building is allowed on a single lot.

(Ordinance 1526, March 25, 1997, Section 3, as amended by Ordinance 1536, July 21, 1997, Section 2, Ordinance 1626, June 19, 2000, Section 4, and by Ordinance 1633, August 30, 2000, Section 2.)

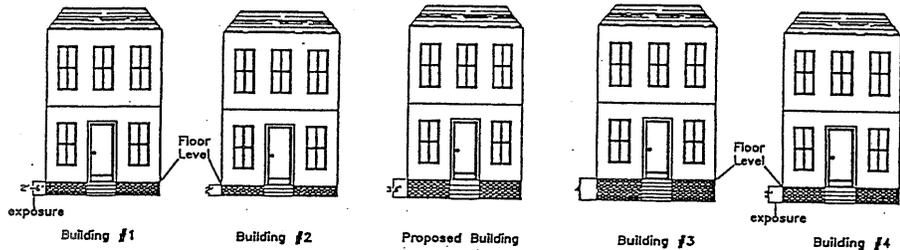
Section 957. Use of Nonconforming Buildings. Any structure in existence at the effective date of this ordinance which does not conform to minimum setback and height requirements may be used for any use permitted in this district provided all other requirements are met. (Ordinance 1526, March 25, 1997, Section 3.)

Section 958. Design Prohibitions. The following items are prohibited in the R-3H District:

- a. Untextured concrete block or other untextured veneers.
- b. Main roofs, dormer roofs or stair tower roofs with less than 4/12 pitch. (Porch roofs are excluded and may have less than 4/12 pitch.)
- c. Curved main, dormer or stair tower roofs.
- d. First-floor levels and basement exposures of street front buildings that are unaligned by more than 50 percent from the average first floor levels and basement exposures of adjacent buildings (two on each side) along the street. See illustration, which follows, for example.

CALCULATION METHOD

- Exposure Below First Floor Level = 2'6" (Building #1)
2'0" (Building #2)
4'0" (Building #3)
3'0" (Building #4)
11'6" TOTAL
- Average Exposure Level = 11'6" / 4 = 2'10"
- Variation in Exposure Level = 50% or 1'5"
- Range of Exposure = 1'5" to 4'3"



NOT TO SCALE

- e. Unpainted/unstained stair towers.
- f. Corrugated plastic roof materials covering outside stairways.

(Ordinance 1526, March 25, 1997, Section 3.)

Section 959. Bed & Breakfast Establishments. Bed and breakfast establishments are permitted in R-3H provided:

- a. The total number of guest rooms shall not exceed 6 on any individual lot.
- b. Accessory buildings and detached garages used as one or more of the allowed guest rooms shall not contain cooking facilities.
- c. The length of stay per guest shall be limited to 14 days per 60-day period.
- d. Off-street parking areas and driveways shall comply with the standards specified in Part H of this Chapter, subject to lot coverage limits applicable in the R-3H district. Driveways may be used as off-street parking areas except for that portion of a driveway located between the property line and the curb.
- e. One sign, permitted on each lot used for a bed and breakfast establishment, shall:
 - (1) not exceed 3 square feet per sign face;
 - (2) have no internal illumination;
 - (3) be constructed of wood, stone, brass, ceramic or wrought iron; and
 - (4) if configured as a ground pole sign, not exceed 6 feet in height at its highest point, including all parts, braces and supports.

- f. Meals for compensation may be provided only to guests of the bed and breakfast establishment. If meals other than breakfast or complimentary snacks are served, the owner must obtain any necessary permits from the State College Health Department.
- g. Lot area, lot width, setbacks, lot coverage, open space, height and building size shall comply with the standards applicable in the R-3H district.
- h. The owner or manager shall maintain his or her primary residence on the premises.

(Ordinance 1526, March 25, 1997, Section 3, renumbered by Ordinance 1626, June 19, 2000, Section 6.)

Section 960. Child or Adult Day Care Center. Day care centers for children or adults are permitted in the R-3H zoning district provided:

- a. In addition to the parking requirements for any residential uses on site, there shall be 1 off-street parking space for each employee not living on the premises plus 1 off-street parking space for each 10 children or adults;
- b. The gross floor area shall comply with the standard regulations set forth by the State of Pennsylvania;
- c. For child day care centers, there shall be an outdoor play area of at least 100 square feet per child enclosed by a fence with a minimum height of 4-feet; and
- d. Lot area, lot width, setbacks, lot coverage, open space, height and building size shall comply with the standards applicable in the R-3H zoning.

(Ordinance 1526, March 25, 1997, Section 3, renumbered by Ordinance 1626, June 19, 2000, Section 7.)

Section 961. Adult Day Care Homes. Adult day care homes are permitted in the R-3H zoning district provided:

- a. In addition to the parking requirements for any residential uses on site, there shall be 1 off-street parking space for each employee not living on the premises;
- b. The gross floor area shall comply with the standard regulations set forth by the State of Pennsylvania; and

c. Lot area, lot width, setbacks, lot coverage, open space, height and building size shall comply with the standards applicable in the R-3H zoning.

(Ordinance 1526, March 25, 1997, Section 3, renumbered by Ordinance 1626, June 19, 2000, Section 8.)

Section 962. Parking Requirements. Parking requirements shall be as specified in Part H of this Chapter, except that lot coverage for surface off-street parking areas and driveways shall not exceed the lot coverage requirements established for the R-3H zoning district. (Ordinance 1526, March 25, 1997, Section 3, renumbered by Ordinance 1626, June 19, 2000, Section 8.)

Section 963. Mixed Use (Overlay) District.

a. Office Uses and mixed uses are allowed in the R-3H zoning district pursuant to the criteria established in Section 609 of this Chapter and additional specific criteria set forth as follows:

(1) Permitted Location:

(a) South Atherton Street, west side, from the northern right-of-way line of Highland Alley to the southern property line of 306 South Atherton Street.

(b) All R-3H properties abutting South Burrowes Street in the 300 and 400 blocks.

(2) Vehicular Access. The R-3H zoning district has an extensive system of paved public alleys that provide vehicular access to many lots within the district. Maintaining vehicular access from these alleys, rather than from streets, is desirable. Hence, the descending order of the access classifications, as provided in Section 609.c., is reversed for the R-3H district. Site access shall first be from an alley provided that the criteria for alley access (Section 606.d (2) (c) of this Chapter are met. When alley access criteria cannot be met, access shall be provided from the next access classification, in descending order, where the access criteria can be met. Access classifications in descending order for the R-3H zoning district are as follows: alley, local street, collector street, secondary arterial street and arterial street. Access criteria for streets are the same as those provided for in Section 609.c.

(Ordinance 1526, March 25, 1997, Section 3, as amended by Ordinance 1573, July 20, 1998, renumbered by Ordinance 1626, June 19, 2000, Section 10., and by Ordinance 1827, June 18, 2007, Section 7.)

Section 964. Notice Prior to Demolition, Removal or Razing. See Section 707 of this Chapter. (Ordinance 1574, August 20, 1998, Section 4, renumbered by Ordinance 1626, June 19, 2000, Section 11.)

Section 965. Mixed Use District. Under the powers set forth in Sections 310 to 304 of this Chapter, the Zoning Hearing Board, after referral to the Planning Commission for review and submitting of a report within 15 days after public hearing, may authorize a permit as a special exception, subject to the conditions set forth, and any further conditions the Board may deem best suited to insure safety and general welfare, minimize traffic and safeguard adjacent properties, for the following:

Mixed-Use District. This district is established along designated urban corridors within the municipality as an overlay district supplementing the existing base zoning. It recognizes that heavily urbanized areas are often characterized by excessive noise and congestion caused by increased pedestrian movements, truck traffic and other varieties of vehicular traffic. Excessive noise and congestion are not compatible with low-density residential uses. Within the Mixed-Use Overlay District, there are many 1- and 2-family houses remaining that were built at a time when the designated corridors were less urban. It is desirable to maintain and reuse these structures even though they may no longer be in a suitable location for low-density residential uses.

Accordingly, the purpose of the overlay district is to provide uses, in addition to the base zoning, that can function well next to busy urbanized corridors and, yet, provide for adaptive reuse of these structures without changing their character, physical appearance or compatibility with adjoining residential uses. Additionally, the overlay district will provide a buffer between established residential neighborhoods and the busy corridors overlaid thereby insulating these neighborhoods from the detrimental effects of high traffic volumes, congestion and noise.

Uses within the Mixed-Use District are permitted by special exception. Properties within the Mixed-Use Overlay District that do not meet the criteria established in this Section may not be used for the uses listed in Subsection (3) below.

a. Office Uses and mixed uses are allowed by special exception in the R-3H zoning district pursuant to the criteria established in Section 965 of this Chapter set forth as follows:

(1) Permitted Location:

(a) West Beaver Avenue, both sides, from the western property line of 711-713 and 720 West Beaver to the western right-of-way line of □H□ Alley.

(b) South Barnard Street, from its intersection with Calder Alley south to 127 and 132 South Barnard Street.

(c) South Gill Street, from its intersection with Calder Alley south to 131-133 and 134 South Gill Street.

(d) South Sparks Street, from its intersection with Calder Alley south to 131-133 and 132 South Sparks Street.

(2) Vehicular Access. The R-3H zoning district has an extensive system of paved public alleys that provide vehicular access to many lots within the district. Maintaining vehicular access from these alleys, rather than from streets, is desirable. Site access shall first be from an alley provided that the criteria for alley access of this Section are met. When alley access criteria cannot be met, access shall be provided from the next access classification, in descending order, where the access criteria can be met. Access classifications in descending order for the R-3H zoning district are as follows: alley, local street, collector street, secondary arterial street and arterial street.

(a) Criteria for Alley Access. Direct access to an alley from a proposed Mixed-Use Overlay District use is permitted only if the following conditions are met:

(i) access is not available from an arterial, secondary arterial, collector or local street which meets the applicable standards for access from an arterial street, as specified in Subsection a.i through vii, or Subsection b(i) through (iv), above, respectively;

(ii) the alley has been ordained and opened by the municipality;

(iii) the alley is located at the rear of the site and parallel to the arterial street on which the site has frontage; and,

(iv) adequate sight distance exists at the intersection of the alley and the secondary arterial, collector or local street with which it intersects.

(b) Criteria for Secondary Arterial, Collector or Local Street Access. Direct access to a secondary arterial, collector or local street from a proposed Mixed-Use Overlay District use is permitted only if the following conditions are met:

(i) access to an arterial street meeting the above-specified criteria is not available;

(ii) line of sight at any existing or proposed curb cut or other access point equals or exceeds PennDOT standards for safe sight distance for passenger cars entering 2-lane highways at the posted speed for the road being entered;

(iii) on-site parking is configured such that vehicles may enter and exit the site without backing off of or on to the street; and,

(iv) access shall conform to driveway location standards and off-street parking standards, as specified in this Chapter.

(c) Criteria for Arterial Access. Direct access to an arterial street from a proposed Mixed-Use Overlay District use is permitted only if the following conditions are met:

(i) the arterial street on which the site of the proposed Mixed-Use Overlay District use has frontage is either (1) a 1-way street or (2) a 2-way street with center turn lane and on-site traffic controls restrict exiting movements to right turn only;

(ii) line of sight at any existing or proposed curb cut or other access point equals or exceeds PennDOT standards for safe sight distance for passenger cars exiting from driveways onto 2-lane roads at the posted speed for the road being entered;

(iii) the projected trip generation, assuming all existing building square footage is used for the proposed Mixed-Use Overlay District use, does not exceed 100 average daily traffic (i.e. total ingress and egress does not exceed 100 trips per day);

(iv) if the arterial street is a State route, a highway occupancy permit must be obtained from PennDOT;

(v) the peak hour volume/capacity ratio for the arterial is .75 or less and is calculated using the methodology in the Highway Capacity Manual;

(vi) on-site parking is configured such that vehicles may enter and exit the site without backing off of or on to the arterial street; and

(vii) access shall conform to driveway location standards and off-street parking standards, as specified in this Chapter.

(3) Uses Permitted. Offices for medical doctor, chiropractist, chiropractor, psychologist, psychiatrist, dentist, optician, optometrist, osteopath, lawyer, accountant, architect, engineer, ministry, governmental, insurance, real estate, brokerage and all other offices which are similar to the listed uses in function, traffic generation and attraction capacities.

Drive-in or motor-vehicle-oriented business uses are prohibited.

Mixed use of residential (as permitted in the Zoning District) and office (as permitted in the Overlay District) are allowed.

(4) Lot Area and Width. The minimum lot area and width shall be the same as that for 1-family dwellings under the base zoning district where the special exception is requested.

Nonconforming lots containing existing residential buildings may be used for overlay uses provided all other provisions of this section are met.

(5) Use of Nonconforming Buildings. Any residential building in existence at the effective date of this ordinance that does not conform with building setbacks or building size or building height may be used for overlay use provided that the nonconformity is not expanded or increased and that all other requirements are met.

(6) Design Criteria.

(a) When an existing residence is converted to a non-residential use or to a mixed use, no exterior alterations or additions which change the residential character of the building by use of colors, materials, design or lighting shall be permitted.

(b) When a side or rear yard of an overlay use abuts a residential lot, the abutting yard shall be buffered with a view-restrictive screen at least 6 feet in height, consisting of plantings, decorative walls or any combination therein.

(c) The total number of office employees allowed per lot or parcel is limited to 8 employees for the first 10,000 square feet (or portion thereof) of lot area, plus 1 employee for each additional 5,000 square feet of lot area beyond the initial 10,000 square feet.

e.g. 8,000 square feet = 8 employees;
12,000 square feet = 8 employees;
15,500 square feet = 9 employees

Employment limitations shall apply to all full-time and part-time persons (including owners and partners) employed on the lot or parcel at any given time or during any work shift.

(d) Required yards, lot coverage, open space, building height, building size, number of buildings, design prohibitions, historic preservation, and use of incentives shall comply with the regulations applicable for the base zoning district within which the parcel is located. Existing buildings converted to an overlay use may be expanded provided such expansion does not exceed the base zoning district's limitations.

(e) Office uses may be open to the public for business only between the hours of 8:00 a.m. and 9:00 p.m.

(f) The provisions of Chapter XV providing for signs in residential districts are modified to the extent that signs displayed for overlay uses shall be subject to the following:

(i) One sign shall be permitted at each property used as an overlay use.

(ii) Maximum size shall not exceed the following:

Lots abutting arterial or secondary arterial streets = 6 square feet for single-faced or 12 square feet for double-faced.

Lots abutting collector streets = 4 square feet for single-faced or 8 square feet for double-faced.

Lots abutting local streets or alleys = 2 square feet for single-faced or 4 square feet for double faced.

(iii) Internally-illuminated signs are not permitted.

(iv) The content of the sign shall be restricted to the name and address of the occupant and to the type of business conducted on the site.

(v) All signs shall be constructed of wood, stone, brass, ceramic or iron.

(vi) When configured as a ground pole sign, the sign shall not exceed 6 feet in height at its highest point, including all parts, braces and supports.

(vii) Temporary signs in windows and doors as allowed by Section 103.p of the Sign Ordinance, Chapter XV, are prohibited.

(g) All business activity on the site shall be conducted only within the building on the site. Any outdoor storage of business materials or supplies is prohibited.

(7) Parking. Except as provided for below, all off-street parking areas, including driveways and aisles, shall be designed and constructed in compliance with the provisions of Part H of this Chapter and the number of spaces required for all uses located on the lot shall comply with the provisions of Section 2403 of Part H of this Chapter. Off-street parking spaces provided on-site are permitted only as an accessory use incidental to and subordinate to the primary use. As such, on-site parking spaces shall be used only to serve the parking needs of the property's residents or the customers and employees of the overlay use.

(a) For all uses, the maximum number of on-site parking spaces for all uses shall not exceed the minimum number of parking spaces required in Section 2403;

(b) Required parking for office uses permitted as a special exception may be provided on-site, off-site, or through a combination thereof. Required parking for residential uses shall be located on-site.

(c) Off-site parking spaces shall be located within 400 feet of the building containing the office use. Spaces may include publicly available street parking where it has been legally established, private or public off-street parking areas provided that such off-street parking area is a lawful use in the zoning district where it is located. The applicant for the special exception must show by objective evidence that the parking spaces are open and available for the office use.

(d) Existing on-site parking may be used to meet required parking for office uses, but shall be brought into conformity with current access and design standards as specified in this Section and Chapter.

(e) Driveway and off-street parking area lot coverage maximums as established in this Chapter for 1- and 2-family uses in residential zoning districts shall not apply to properties to the extent needed to meet the minimum parking required for which the Mixed-Use Overlay special exception is granted.

(8) Lighting. All exterior lighting for mixed-use overlay installations shall comply with Part K of this Chapter.

(9) Plan Review. All applications for an overlay use shall be submitted to the Planning Commission for its review and recommendation to the Zoning Hearing Board. Any report by the Planning Commission to the Zoning Hearing Board may also include suggestions by the Commission for modification to the development plan. Plans shall be submitted in the form required by Section 305 of this Chapter.

(10) In reaching a determination on a specific proposal for an overlay use, the Zoning Hearing Board may exercise every precaution to ensure that the use shall not create a nuisance by reason of smoke, odor, glare, light trespass, noise, vibration, radio or television interference off the site.